FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINL APPEAL NO. 421 OF 1991.

The State of Maharashtra. ..Appellant.
vs.
Vasant Bhikaji Shinde. ..Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri A.S. Shitole, A.P.P. for the State.
Shri Premji V. Palan for the respondent.

CORAM: V.M.KANADE,J.
DATED: 07-02-2005.

P.C.:

1. Heard Shri Shitole, A.P.P. for the appellant-State and Shri Premji Palan, learned Counsel appearing on behalf of the respondent.

2. The State has preferred this appeal against the judgment and order passed by the Judicial Magistrate, F.C. Nasik in Regular Criminal Case No. 124 of 1989.

3. The brief facts are that the respondent was charged for having committed an offence punishable under section 304-A, 279, 337, 427 of the Indian Penal Code and section 116 of the Motor Vehicle Act. The prosecution case is that the respondent was responsible for causing

death of one Hiraman Laxman Bhosale on account of rash and negligent driving as on 15.4.1989 a truck which the respondent was driving dashed the motor cycle, as a result of which Hiraman Laxman Bhosale died. Respondent pleaded guilty to the said offence. The trial Court convicted the respondent and sentenced him to suffer S.I. till rising of the Court and to pay a fine of Rs. 500/-. The State has preferred this appeal for enhancement of the sentence.

4. In my view, the sentence awarded by the trial Court is grossly inadequate. One person had died in the accident and accused has pleaded guilty to the said offence. In my opinion, ends of justice would be met if amount of fine is increased from Rs.500/- to Rs. 15,000/- (fifteen thousand). Accordingly, amount of fine is increased to Rs. 15,000/-. Amount of fine be paid within 3 months. In default of payment of fine, respondent to undergo R.I. for 3 months. After the amount of fine is deposited by the respondent, the legal heirs of the deceased Hiraman Laxman Bhosale would be entitled to withdraw the said amount.

5. Appeal is allowed in the above terms.